

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

CV 05 1304

Margarita Yakubov and
Nahum Kaziev,

Index no.

Plaintiffs,

-against-

The City of New York;
New York City Police Department;
Donald LeBlanc;
Thomas Schulz;
Hugo Dominguez;
Joseph Perry; and
Irene McBride, and
Other unidentified police officers,

Defendants.

FILED
IN CLERKS OFFICE
U.S. DISTRICT COURT E.D.N.Y.
★ MAR 10 2005
BROOKLYN OFFICE

COMPLAINT

DEARIE, J.

AZRACK, J.

Plaintiffs, by their attorney, M. Bradford Randolph, hereby set forth the following complaint:

RELATED ACTIONS

1. Plaintiffs are filing this single complaint because the two claims arose out of related incidents.

JURISDICTION AND PARTIES

2. This action is brought pursuant to 42 U.S.C. Section 1983 for violations of Plaintiffs' rights under the Fourth Amendment to the Constitution of the United States, as well as the laws of the State of New York.
3. This court has jurisdiction pursuant to 28 U.S.C. 1331(a) and 1343(a). Jurisdiction exists over the state claims under the doctrine of pendant jurisdiction.

4. Plaintiff is a citizen of the United States and a resident of the City and State of New York.
5. The individual Defendants, at all times relevant, were and are police officers employed by the City of New York, and, on information and belief, are residents of the City and State of New York.

UNREASONABLE SEARCH and

INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

6. On March 14, 2004, at approximately 9:30 am, police officer Donald LeBlanc and another police officer (one of the named individual Defendants and/or an unidentified police officer), both from the 112th precinct in Queens County, New York, entered the apartment of Margarita Yakubov ("Yakubov"), at 108-50 62nd Drive, Apt. 5-E, Forest Hills, NY 11375, in an effort to locate the children of Nahum and Sofya Kaziev.
7. Yakubov is the mother of the Plaintiff, Nahum Kaziev.
8. The officers entered the apartment without a search warrant.
9. The officers entered the apartment without Yakubov's permission, violating Yakubov's civil rights.
10. The officers searched the rooms of the apartment looking for the children, without Yakubov's permission.
11. One child, Miriam, who is Yakubov's granddaughter and was approximately 1 year old, was in the apartment.
12. Yakubov alleges that the officers acted in an unfriendly manner, treating her like a criminal.
13. Yakubov alleges that the officers screamed at her, threatening to put her in jail if she did not cooperate to locate the other two children.

14. Yakubov suggested to the officers that they call her son and that he could find the other two children.
15. Yakubov claims that they questioned her for about 30 minutes before leaving her apartment.
16. The officers left after they were able to contact Kaziev by telephone, who agreed to meet them at their police precinct.
17. Yakubov claims that she was frightened and shaken from this incident, feeling faint and a pain in her chest.
18. Yakubov claims that the officers engaged in intense interrogation of Yakubov, frightening her and causing intense mental and emotional distress.
19. An additional two police officers (from among the named individual Defendants, or unidentified police personnel), also from the 112th precinct, joined this effort prior to the officers leaving Yakubov's apartment.
20. Yakubov claims that the Defendants knowingly acted without regard to her legal rights.

FALSE IMPRISONMENT and

INTENTIONAL INFLECTION OF EMOTIONAL DISTRESS

21. On March 14, 2004, the four officers left Yakubov's apartment and returned to their precinct station at 6840 Austin Street, Forest Hills, NY 11375.
22. At least one of the officers (either one of the named individual Defendants or an unidentified officer) had contacted Nahum Kaziev ("Kaziev") by phone while in Yakubov's apartment, and Kaziev agreed to meet the officers at their precinct police station.
23. One or more of the named individual Defendants interrogated Kaziev to get him to bring his children to the precinct so that his wife, Sofya, who was at the station, could visit with her

three children.

24. Nahum Kaziev had and has custody of their three children pending his divorce from Sofya Kaziev.

25. Kaziev asked the officers for permission to leave the station so that he could get his children and bring them to the police station.

26. The officers refused to let Kaziev leave the station, demanding that he call others outside the station and have them bring the children to the station.

27. Kaziev alleges that Officer Irene McBride and other named Defendant(s), also from the 112th precinct, blocked his egress from the station, for a period of approximately 3 hours.

28. Kaziev alleges that the officers shouted at him, using foul language.

29. The police did not formally arrest Kaziev.

30. Kaziev claims that this detention was unlawful, in effect, an unlawful arrest and illegal imprisonment.

31. Kaziev was released after the children were brought to the police station.

32. Kaziev suffered extreme mental, emotional and physical distress from this incident, in fact fainting on the police premises as a result of the perceived pressure from this incident.

33. Kaziev's request for medical care was refused.

34. Kaziev claims that the Defendants knowingly acted without regard to his legal rights.

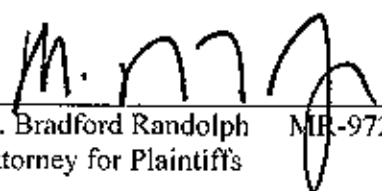
JURY DEMAND

35. Plaintiffs demand a trial by jury.

[The remainder of this page has been left intentionally blank.]

WHEREFORE, Plaintiff Yakubov demands judgment as follows: compensatory damages in the amount of \$150,000, as against each Defendant jointly and severally, and punitive damages in the amount of \$900,000, together with costs, disbursements and statutory attorney's fees; Plaintiff Kaziev demands judgment as follows: compensatory damages in the amount of \$100,000, as against each Defendant jointly and severally, and punitive damages in the amount of \$600,000, together with costs, disbursements and statutory attorney's fees

Dated: March 10, 2005
New York, NY


M. Bradford Randolph MR-9722
Attorney for Plaintiffs

M. Bradford Randolph, Esq.
445 Park Avenue, 14th Floor
New York, NY 10022

Telephone: (212) 759-0097
Fax: (917) 591-6744